



**CITY OF ABSECON
Municipal Complex
500 Mill Road
Absecon, New Jersey 08201**

PLANNING & ZONING
Tina M. Lawler, Secretary

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**JANUARY 20, 2015
ZONING BOARD
MINUTES**

The meeting was called to order by Pat Malia at 7:30 p.m.

Flag Salute
Notification of Meeting

REORGANIZATION MEETING

Reappointment of following members:

**James Bonek – 1/1/15 to 12/31/18
Steve Baltera – 1/1/15 to 12/31/18
Joe Polisano – 1/1/15 to 12/31/18**

ROLL CALL

PRESENT: Baltera, Polisano, Lawler (late), Corkhill, Roswell, Seher, Malia
ABSENT: Fritz, Bonek

Appointment of Board Attorney

Motion to appoint Jim Grimley made by Pat Malia – second – Alex Corkhill
All were in favor.

Appointment of Board Engineer

Motion to appoint Ed Dennis from Remington Vernick & Walberg – Pat Malia – second – Alex Corkhill
All were in favor.

Chairman Position

Motion was made for Jim Bonek by Pat Malia – second – Jeff Roswell
All were in favor.

Vice-Chair Position

Motion was made for Pat Malia by Joe Polisano – second – Alex Corkhill
All were in favor.

Approval of 2015 Meeting Dates

Motion to approve – Pat Malia – second – Alex Corkhill
All were in favor.

REGULAR MEETING**OLD BUSINESS:**

Vote: Minutes of December 16, 2014 meeting
Motion to approve: Joe Polisano – second – Greg Seher
All were in favor. Alex abstained

Vote: Annual D&R #1-15 for the 2014 Zoning Board's Applications
Motion to approve – Joe Polisano – second – Greg Seher
All were in favor.

NEW BUSINESS:

Announcement was made that Appl. 8-14 for Laureen Dunne will now be heard at the Feb. 17th meeting

Appl. #6-2014 for Alex Clark – 819 New York Avenue – Block 131 – Lot 1.06 for Lot Coverage Variance
Tabled from November 2014 meeting

Chris Baylinson, Esq. – attorney for applicant - gave a brief overview of the application that is continued from the November meeting. Due to pavers that wanted to be installed in the backyard, a lot coverage variance of 53% is needed, where 40% is allowed. He described the work that was done in the backyard so far. The board wanted to hear testimony that drainage would not be a problem, so the applicant was asked to come back with facts that could show that. Applicant Alex Clark, and Bill Gilmore, an engineer whose address is 213 Cherry Tree Court, Franklinville, NJ were both sworn in. He then asked questions of Alex with how the work was started and what occurred as it moved along and how it ended up before the Board.

Mr. Gilmore was then questioned and has reviewed Mr. Dennis' report. He looked at the conditions today and did not notice any evidence of drainage problems on Mr. Clark's property or adjacent properties. No standing water was found either. He has lowered his elevation on his side of the fence to create a swale and it is absorbing any run off. When the trees get installed they will absorb water also. He feels there would be no detriment if the pavers were installed. The drainage now is better than before the work began. He feels the variance could be granted without substantial detriment to the intent and purposes of the city's ordinance.

Ed Dennis, Board engineer – his colleague was at the November meeting and the crux of this application at that time was whether or not there would be any detriment to the neighbors and negative drainage impact on the site. He agrees with pretty much everything they testified to with regards to the improvements they made for the drainage, but he pointed out that the applicant has described the removal of the clay and bringing in of sandy material, regarding the property and retaining wall and planting of trees, which will improve drainage at this site compared to the pre-existing conditions. The only subtlety is that he doesn't believe that the installation of the pavers themselves contributed to that improvement. He believes that any negative impact that the pavers would have had has been mitigated by the other items that the applicant has discussed. They

could have made all those changes without putting in pavers, because that's what they want on their property and the need for the variance. The concern was that the pavers would create a negative impact on drainage and in his opinion, based on testimony tonight, any negative impact would have been mitigated by the other actions taken on the site.

Alex Corkhill – feels they gave a good explanation tonight and answered his questions he would have had
Greg – asked about the pavers on the left side of the yard.

Pat – were any of these changes since November?

Alex Clark – explained what was done when. The second side will be phase 2 and he explained what he is proposing to do.

Pat opened it to the public. There were no public comments.

Motion to close – Joe Polisano – second – Greg Seher

All were in favor.

Chris – summarized the request for a C-2 variance for lot coverage that is being requested

Jim Grimley – stated the motion would be to permit the lot coverage of 53% instead of the 40% allowed

Motion to approve Appl. 6-14 was made by Steve Baltera – second – Alex Corkhill

ROLL CALL: Baltera, yes; Polisano, yes; Corkhill, yes; Roswell, yes; Seher, yes; Malia, yes

Matt Lawler arrived for second application and Joe Polisano stepped down due to a conflict

Appl. #1-2015 for Steve & Claudia Ratzlaff – 1009 Plaza Place – Block 50 – Lot 2.07 for setbacks for shed

Applicants were sworn in and represented themselves.

Claudia – had applied for permits for alterations to their home to convert the garage to a bedroom. They originally planned to have a shed built attached to the house but it didn't work out with the plans. They scaled down the size and put one up on the side of the property. They didn't realize that they needed a permit for to put one up, and once they did, they were told that it did not meet the setback requirements in the city's ordinance and are here tonight to request a variance for the placement of the shed.

Eddie – they confirmed that the height was 8 ft. and that complies. He confirmed some measurements with Mr. Ratzlaff to make sure the setbacks requested and granted are correct.

Steve then submitted 8 photos, which were marked into evidence as R1 to R8. Pictures of the shed from the different angles and streets. They accurately depict what it looks like now.

Based on a scale of the drawings and setbacks shown by the surveyor and the dimensions provided by the applicant, for the distance between the house and the corner of the shed, he calculated the setback along Morton Avenue is 12 ft., from the shed to the property line and the setback on the rear from the rear property line is 13 ft. and that complies. We are still dealing with the setback off of Morton Avenue, but if it had been granted for 18 ft. it would still be in violation.

Pat – we could probably entertain a motion to grant variance approval to go no closer than 12 ft. to the property line along Morton Ave.

Eddie – then asked if there was any vacant land next to them; the possibility of moving it and if they felt this was the best location for it.

Pat opened it to the public. No public comment.
Motion to close – Matt Lawler – second – Jeff Roswell
All were in favor.

Eddie – thought the motion should be for a C variance to allow for a 12 ft. setback in the front yard along Morton Avenue, where 25 ft. is required. There is also an additional level of variance relief required because our ordinance says sheds must be located in the rear yard, so we need a location variance also for this.

Pat – we can say it's 12 ft. as calculated based on the current location of the shed on the survey?

Eddie – the D&R should read ... it was the intention of the board to approve the location of the shed as depicted on the survey and photographs shown

Jim – will say it's a C2 variance specifically a variance to permit the applicants to place their shed in the front yard setback of approximately 12 ft. along Morton Avenue where a minimum of 25 ft. is required. The second variance would be to allow the shed to be placed in a front yard and not the rear that is required in the ordinance.

Motion to approve Appl. #1-2015 – Steve Baltera – second – Jeff Roswell

ROLL CALL: Baltera, yes; Lawler, yes; Corkhill, yes; Roswell, yes; Seher, yes; Malia, yes

ADJOURNMENT

Motion to adjourn meeting – Joe Polisano – second – Alex Corkhill
All were in favor.

Respectfully submitted,

Tina Lawler, Secretary

Approved: _____